

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
SOUTHERN NUCLEAR OPERATING)	Docket Nos. 50-424 and 50-425
COMPANY, INC., ET AL.)	
)	
(Vogtle Electric Generating Plant,)	
Units 1 and 2))	
)	
)	

EXEMPTION

I.

Southern Nuclear Operating Company, Inc., et al. (the licensee) is the holder of Facility Operating License Nos. NPF-68 and NPF-81, for the Vogtle Electric Generating Plant (VEGP), Units 1 and 2, respectively. The licenses provide, among other things, that the licensee is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

The VEGP facility consists of two pressurized-water reactors located at the licensee's site in Burke County, Georgia.

II.

Title 10 of the Code of Federal Regulations (10 CFR), Section 50.71, "Maintenance of records, making of reports," paragraph (e)(4) states, in part, that "Subsequent revisions [to the Final Safety Analysis Report (FSAR)] must be filed annually or 6 months after each refueling outage provided that the interval between successive updates [to the FSAR] does not exceed 24 months." The VEGP, Units 1 and 2, share a common FSAR; therefore, this rule requires the licensee to update the same document within 6 months after a refueling outage for either unit.

By letter dated January 23, 1998, the licensee requested an exemption from the requirements of 10 CFR 50.71(e)(4).

III.

Section 50.12(a) of 10 CFR, "Specific exemptions," states that:

The Commission may, upon application by any interested person, or upon its own initiative, grant exemptions from the requirements of the regulations of this part, which are (1) Authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. (2) The Commission will not consider granting an exemption unless special circumstances are present.

Section 50.12(a)(2)(ii) of 10 CFR states that special circumstances are present when "Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule...." As noted in the staff's supporting Safety Evaluation, the licensee's proposed schedule for FSAR updates will ensure that the VEGP FSAR will be maintained current within 24 months of the last revision and the interval for submission of the 10 CFR 50.59 design change report will not exceed 24 months. The proposed schedule fits within the 24-month duration specified by 10 CFR 50.71(e)(4). Literal application of 10 CFR 50.71(e)(4) would require the licensee to update the same document within 6 months after a refueling outage for either unit; a more burdensome requirement than intended. Accordingly, the Commission has determined that special circumstances are present as defined in 10 CFR 50.12(a)(2)(ii). The Commission has further determined that, pursuant to 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to public health and safety, and is consistent with the common defense and security. The Commission hereby grants the licensee an exemption from the requirements of 10 CFR 50.71(e)(4) to submit updates to the VEGP FSAR within 6 months of the VEGP

Unit 2 refueling outage. The licensee will be required to submit updates to the VEGP FSAR within 6 months after the Unit 2 refueling outage. With the current length of fuel cycles, FSAR updates would be submitted every 18 months, but not to exceed 24 months from the last submittal.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant effect on the quality of the human environment (63 FR 10248).

This exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

Original signed by
Samuel J. Collins

Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,
this 5th day of March 1998

*See previous concurrence

OFFICE	PDII-2/PM	PDII-2/D	PDII-2/D	DRPE/D (A)*	OGC*
NAME	LBerry	DJaffe	H Berkow	JZwolinski	CBarth
DATE	3/1/98	3/4/98	3/4/98	2/23/98	2/22/98
OFFICE	NRR/ADRP (A)*	NRR/D		OCIO/IMD*	
NAME	BBoger	SCollins		RSanders	
DATE	2/24/98	3/5/98		2/27/98	

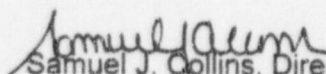
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Unit 2 refueling outage. The licensee will be required to submit updates to the VEGP FSAR within 6 months after the Unit 2 refueling outage. With the current length of fuel cycles, FSAR updates would be submitted every 18 months, but not to exceed 24 months from the last submittal.

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